

Appln. No. 09/856,320  
Amd. dated September 28, 2004  
Reply to Office Action of July 8, 2004

**REMARKS**

The Office Action has been carefully reviewed. No claim is allowed. Claims 30, 31, 51, and 58 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

A new Abstract of the Disclosure is attached hereto on a separate sheet to replace the abstract originally filed, thereby complying with the requirement for correction.

Claim 30 has been objected to by the examiner although it appears that the examiner intended to indicate claim 38. Claims 31 and 37-41 are further objected to. The objections are obviated by the cancellation of claims 37-41 and the amendment to claim 31, which adopts the examiner's helpful suggestion.

Claims 37-41 have been rejected under 35 U.S.C. §101 because the examiner states that the claimed invention lacks patentable utility. This issue is made moot by the cancellation of claims 37-41 without prejudice, merely for the purpose of advancing prosecution on the other pending claims.

Claims 37-41 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is made moot in view of the cancellation without prejudice of claims 37-41.

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Claims 30, 31, 37-41, 51, and 58 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The examiner states that recitation in claim 58 of a protein consisting of residues 58-282 (should be 54-282) of SEQ ID NO:2 represent new matter. This rejection is respectfully traversed.

Example 3 on page 56 of the present specification discloses a human cDNA sequence SEQ ID NO:1, encoding the mature hBSSP6 protein. This cDNA sequence encodes amino acid residues 54-282 of SEQ ID NO:2. However, because the numbering of residues 54-282, which designates the first residue as residue 1 of SEQ ID NO:2, is not consistent with the numbering used in SEQ ID NO:1 and 2 of the most recently filed Sequence Listing, where the mature protein starts at the 54<sup>th</sup> residue but is numbered as residue 1 (with the preceding residues using negative numbering), claim 58 is now amended to recite "residues 1 to 229 of SEQ ID NO:2". Accordingly, amended claim 58 and claims dependent therefrom do indeed comply with the written description requirement.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their

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allowance. Favorable consideration and early allowance are  
earnestly urged.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to be 'Allen C. Yun', is written over a horizontal line. The signature is stylized with a large loop and a trailing flourish.

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